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PCT Application
PCT/JP2003/010952



Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ASAHI-38	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/010952	International filing date (day/month/year) 28 August 2003 (28.08.2003)	Priority date (day/month/year) 28 August 2002 (28.08.2002)
International Patent Classification (IPC) or national classification and IPC C12N 5/06, B01D 69/08, 63/00, 63/02, A61M 1/36		
Applicant FUNATSU, Kazumori		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 28 August 2003 (28.08.2003)	Date of completion of this report 07 January 2004 (07.01.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-29	YES
	Claims		NO
Inventive step (IS)	Claims	1-17, 28-29	YES
	Claims	18-27	NO
Industrial applicability (IA)	Claims	1-29	YES
	Claims		NO

2. Citations and explanations

Document 1: JP 62-171678 A (Teijin Ltd.), 28 July 1987
 Document 2: JP 58-142042 U (Asahi Medical Co., Ltd.), 24 September 1983

Claims 18-27

The invention that is set forth in claims 18-27 does not involve an inventive step in the light of documents 1 to 2 cited in the international search report.

Document 1 discloses a method for cultivating cells wherein said cells are injected into the interior of a hollow fiber membrane, and irregularly shaped hollow fiber membranes that do not have a circular cross sectional form were well known at the time the present application was filed, as disclosed in document 2; therefore, it would be easy for a person skilled in the art to cultivate cells by injecting said cells into the interior of an irregularly shaped hollow fiber membrane that does not have a circular cross sectional form.

Claims 1-17 and 28-29

The inventions that are set forth in claims 1-17 and 28-29 involve an inventive step in relation to documents 1 to 2 cited in the international search report.

Documents 1 and 2 do not disclose or suggest a

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configuration wherein the cell aggregate that is formed within the hollow part comprises cells that are layered in at least two layers in any given direction, and the distance from any given point on said cell aggregate to the nearest inside wall of the hollow fiber membrane is less than 75 μ m, and even a person skilled in the art could not easily have conceived of such a configuration.